

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GERALD CORNELIUS ELDRIDGE,

Petitioner,

v.

RICK THALER, Director,
Texas Department of Criminal
Justice-Correctional Institutions
Division,

Respondent.

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§ CIVIL NO. H-05-1847
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ORDER GRANTING PETITIONER'S UNOPPOSED MOTION FOR SUBPOENA

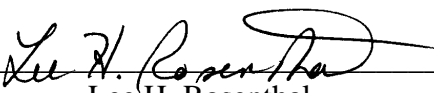
The petitioner, Gerald Cornelius Eldridge, a Texas death row inmate, has filed an unopposed motion for a subpoena *duces tecum* to obtain documents from the Texas Department of Criminal Justice ("TDCJ"). Eldridge's motion explains that he was subjected to a random drug test in June, 2011, which resulted in a non-negative result for cocaine. He is concerned that the respondent intends to introduce this evidence in an upcoming hearing on Eldridge's claim that he is incompetent to be executed. Eldridge seeks a subpoena to obtain documents relevant to the drug test from TDCJ. The respondent does not oppose the motion.

Rule 6 of the Rules Governing Section 2254 Cases provides that a district court may grant leave for a party to conduct discovery for good cause. Eldridge has demonstrated good cause for his request. The documents specified in the subpoena attached to his motion are limited and relevant to the issue.

The petitioner's Unopposed Motion For Subpoena (Docket Entry 209) is GRANTED. The

petitioner may serve the subpoena *duces tecum* attached to his motion.

SIGNED on January 3, 2012, at Houston, Texas.



Lee H. Rosenthal
United States District Judge